

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

JAMES GRELLNER and
JUDY GRELLNER,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

DEVON ENERGY CORPORATION and
DEVON ENERGY PRODUCTION
COMPANY, L.P.,

Defendants.

Case No. 16-cv-537-KEW

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO ANSWER, MOVE AGAINST, OR OTHERWISE RESPOND
TO PLAINTIFFS' ORIGINAL CLASS ACTION PETITION**

Defendants Devon Energy Corporation and Devon Energy Production Company, L.P. (together, "Devon"), pursuant to Federal Rule of Civil Procedure 7(b) and Local Civil Rules 7.1(h)-(j), respectfully request that the Court issue an Order extending by an additional 20 days (*i.e.*, until January 3, 2017)¹ the time for Devon to respond to Plaintiffs' Original Class Action Complaint (ECF No. 2-1, hereinafter "Complaint") by answer, motion, or other responsive filing.

In support of its Motion, Devon shows the Court as follows:

1. In accordance with Local Civil Rule 7.1(j), the undersigned counsel represents that he has communicated with counsel for Plaintiffs and Plaintiffs do not oppose the relief requested herein.

2. On October 26, 2016, Plaintiffs filed their Complaint in the District Court of Pittsburg County, State of Oklahoma. *See* Compl., ECF No. 2-1. On November 7, 2016,

¹ Calculated through application of Federal Rule of Civil Procedure 6(a)(3)(A).

Plaintiffs served the Complaint on Devon through its registered service agent. *See* Service of Process Transmittals, ECF Nos. 2-2, 2-3.

3. On December 6, 2016, Devon timely removed this litigation to this Court. *See* Notice of Removal, ECF No. 2.

4. Pursuant to Rule 81(c)(2), Devon's current deadline to respond to the Complaint by answer, motion, or other responsive filing is December 13, 2016.

5. The 25-page Complaint indicates that Plaintiffs seek certification of a "statewide" (as to the scope of wells involved—*i.e.*, Oklahoma wells of Devon) and "nationwide" (as to the putative class members involved—*i.e.*, royalty owners in Oklahoma wells of Devon without regard for their state of residence) class action lawsuit, with a claim period of at least four years (and possibly longer).² *See* Compl. ¶ 11, ECF No. 2. After presenting a narrative of Plaintiffs' views as of the allegedly pertinent industry background and how Plaintiffs assume Devon has conducted certain aspects of its activities in prior years, Plaintiffs allege class-based claims for breach of lease (count one), breach of fiduciary duty (count two), fraud (count three), deceit (count four), and constructive fraud (count five). *See id.* ¶¶ 11-20, 63-87.

6. Plaintiffs' intent to proceed with this case as a class action—and the complexity of this case that results from (among other things) the suggested adjudication of the many issues and claims raised in the Complaint in a single proceeding with respect to such an expansive proposed class—raises many procedural alternatives and optional courses of action that Devon may seek to pursue in its initial filing(s) in this case.

7. In order to have a reasonable opportunity to attempt to complete Devon's assessment of the initial filing options presented for this type of proposed class action lawsuit,

and to prepare appropriate initial filings, Devon seeks a 20-day extension of time in which to respond to Plaintiffs' Complaint by motion, answer, or other responsive filing.

8. No previous extensions of time have been requested or granted in this litigation by any party.

9. Granting the requested 20-day extension will not impact any scheduled trial or other deadlines in this case because no trial date or other deadlines have been set by the Court and no Scheduling Order has been entered.

10. Pursuant to Local Civil Rule 7.1(i), a proposed Order is being submitted to the Court for consideration contemporaneous to the filing of this Motion.

WHEREFORE, Defendants Devon Energy Corporation and Devon Energy Production Company, L.P. respectfully request that the Court issue an Order extending by an additional 20 days (*i.e.*, until January 3, 2017) the time for Defendants to respond to Plaintiffs' Complaint by answer, motion, or other responsive filing.

² Plaintiffs indicate they believe that the number of purported class members may number in the "thousands." *See* Compl. ¶¶ 13, 29, ECF No. 2.

Respectfully submitted,

s/ Mark D. Christiansen

Mark D. Christiansen, OBA # 1675

Andrew J. Morris, OBA # 31658

MCAFEE & TAFT

A Professional Corporation

10th Floor, Two Leadership Square

211 North Robinson Avenue

Oklahoma City, OK 73102

Tel. (405) 552-2235

Fax. (405) 228-7435

mark.christiansen@mcafeetaft.com

andrew.morris@mcafeetaft.com

and

Mary Quinn Cooper, OBA # 11966

MCAFEE & TAFT

A Professional Corporation

Williams Center Tower II

Two W. Second St., Ste. 1100

Tulsa, OK 74103

Tel. (918) 587-0000

Fax. (918) 599-9317

maryquinn.cooper@mcafeetaft.com

*Attorneys for Defendants Devon Energy
Corporation and Devon Energy Production
Company, L.P.*

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2016, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following registrants:

Reagan E. Bradford
W. Mark Lanier
THE LANIER LAW FIRM
12 E. California Ave., Ste. 200
Oklahoma City, OK 73104
WML@LanierLawFirm.com
Reagan.Bradford@LanierLawFirm.com

Rex A. Sharp
REX A. SHARP, P.A.
5301 W. 75th Street
Prairie Village, KS 66208
rsharp@midwest-law.com

Attorneys for Plaintiffs James and Judy Grellner

s/ Mark D. Christiansen
Mark D. Christiansen